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Convention on jurisdictional immunities of States and their property

Report of the Sixth Committee

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I. Introduction

1. The item entitled "Convention on jurisdictional immunities of States and their property" was included in the provisional agenda of the fifty-fifth session of the General Assembly pursuant to Assembly resolution 54/101 of 9 December 1999.

2. At its 9th plenary meeting, on 11 September 2000, the General Assembly, on the recommendation of the General Committee, decided to include the item in the agenda of its fifty-fifth session and to allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 30th and 31st meetings, on 15 and 16 November 2000. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/54/SR.30 and 31).

4. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Secretary-General (A/55/298);

(b) Report of the Chairman of the Working Group of the Sixth Committee (A/C.6/55/L.12).

5. The General Assembly, in its resolution 54/101, had decided that the open-ended working group of the Sixth Committee established under resolution 53/98 would continue its work at the fifty-fifth session of the General Assembly to consider the future form of, and outstanding substantive issues related to, the draft

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articles on jurisdictional immunities of States and their property adopted by the International Law Commission at its forty-third session.[1]

6. At its 2nd meeting, on 25 September, the Sixth Committee elected Gerhard Hafner (Austria) as Chairman of the Working Group. The Working Group held six meetings, from 6 to 10 November.

7. At the 30th meeting, on 15 November, the Chairman of the Working Group presented an oral report on the work accomplished by the Working Group (see A/C.6/55/SR.30).

II. Consideration of draft resolution A/C.6/55/L.19

8. At the 30th meeting, on 15 November, the representative of Germany, on behalf of Austria, Belgium, Costa Rica, Côte d'Ivoire, Cyprus, Denmark, France, Germany, Greece, Lesotho, Nigeria, Poland and Sierra Leone, subsequently joined by Bulgaria, Chile, the Czech Republic, Ecuador, Finland, Georgia, Guatemala, Hungary, Ireland, Italy, Japan, Malta, the Netherlands, Peru, Portugal, Romania, Slovakia, Spain, the Sudan, Uganda and Ukraine, introduced a draft resolution entitled "Convention on jurisdictional immunities of States and their property" (A/C.6/55/L.19 and orally revised operative paragraph 3 by inserting the words "the work done" after the words "to further".

9. At the 31st meeting, on 16 November, the Secretary of the Committee made a statement on the conference-servicing implications of the draft resolution. The representative of Canada made a statement prior to the adoption of the draft resolution (see A/C.6/55/SR.31).

10. At the same meeting, the Committee adopted draft resolution A/C.6/55/L.19, as orally revised, without a vote (see para. 11).

III. Recommendation of the Sixth Committee

11. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Convention on jurisdictional immunities of States and their property

The General Assembly,

Recalling its resolution 54/101 of 9 December 1999,

Having considered the report of the Working Group on Jurisdictional Immunities of States and Their Property of the International Law Commission, set

[1] *Yearbook of the International Law Commission, 1991*, vol. II, Part Two (United Nations publication, Sales No. E.93.V.9 (Part 2)), document A/46/10, chap. II, para. 28.

forth in the annex to the report of the Commission on the work of its fifty-first session,[2]

Having considered also the reports presented to the Sixth Committee by the Chairman of the open-ended working group of the Committee established under resolutions 53/98 of 8 December 1998[3] and 54/101,[3]

Having considered further the report of the Secretary-General,[4]

1. *Takes note with appreciation* of the report of the Working Group on Jurisdictional Immunities of States and Their Property of the International Law Commission, set forth in the annex to the report of the Commission on the work of its fifty-first session;[2]

2. *Urges* States, if they have not yet done so, to submit their comments to the Secretary-General in accordance with General Assembly resolution 49/61 of 9 December 1994, and also invites States to submit in writing to the Secretary-General, by 1 August 2001, their comments on the reports of the Working Group;[3]

3. *Decides* to establish an ad hoc Committee on Jurisdictional Immunities of States and Their Property, open also to participation by States members of the specialized agencies, to further the work done, consolidate areas of agreement and resolve outstanding issues with a view to elaborating a generally acceptable instrument based on the draft articles on jurisdictional immunities of States and their property adopted by the International Law Commission at its forty-third session,[5] and also on the discussions of the open-ended working group of the Committee established under resolutions 53/98 and 54/101 and their results;[6]

4. *Decides* that the ad hoc Committee will meet for two weeks in March 2002;

5. *Also decides* to include in the provisional agenda of its fifty-sixth session the item entitled "Convention on jurisdictional immunities of States and their property".

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[2] *Official Records of the General Assembly, Fifty-fourth Session, Supplement No. 10* and corrigenda (A/54/10 and Corr.1 and 2).

[3] See A/C.6/54/L.12 (see also *Official Records of the General Assembly, Fifty-fourth Session, Sixth Committee*, 30th meeting (A/C.6/54/SR.30) and corrigendum) and A/C.6/55/L.12 (see also *Official Records of the General Assembly, Fifty-fifth Session, Sixth Committee*, 30th meeting (A/C.6/55/SR.30)).

[4] A/55/298.

[5] *Yearbook of the International Law Commission, 1991*, vol. II, Part Two (United Nations publication, Sales No. E.93.V.9 (Part 2)), document A/46/10, chap. II, para. 28.

[6] See A/C.6/54/L.12 and A/C.6/55/L.12.